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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,443	02/26/2004	Steven E. Koenck	14425US02	7829
23446 7590 09/22/2009 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661				
EXAMINER				
CHERY, DADY				
ART UNIT		PAPER NUMBER		
2416				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/787,443

Applicant(s)

KOENCK ET AL.

Examiner

DADY CHERY

Art Unit

2416

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/02)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This is in response to an amendment/response filed on May 26th 2009.

Claims 5--7, 9,14,15,17 and 21 - 24 have been amended.

Claims 32-49 have been cancelled.

No Claims have been added.

Claims 1 - 31 are currently pending.

Response to Arguments

1. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-31 are rejected under 35 U.S.C. 102(e) as being Anticipated by Tymes (US Patent 5,157,687, hereinafter Tymes).

Regarding claims 1, 2, 11,12,18,19,25 and 26, Tymes discloses a system for use in a communication network having a plurality of subnetworks (**Fig. 1, 11 which is subnetwork see Col. 6, lines 49 55 and RF subnetwork**), the system comprising:

A mobile computing device (**fig. 1, 15**) Comprising:
a base module (**12, 13, 14**) comprising a base processing unit (**fig. 3, 30**) operable on data in accordance with a set of communication software routines (**Col.6, lines 63 - -65** , **which recites CPU 30 access memory 31 according a set communication routines**);

a communication module (**Fig. 4, 44**) comprising:
a first communication transceiver (**Fig. 3, 25, 33**) comprising a first operating characteristic to conduct data communications on a first of the plurality of subnetworks (**Col. 6, lines 47 -54, which recites communication adapters 25 and 33 transmit and receive data to and from link 11 considered as a first subnetwork**);
a second communication transceiver (**34, 44**) comprising a second operating characteristic to conduct data communications on a second of the plurality of subnetworks(**Col. 6, lines 66 – Col. 7, lines 5, which recites transceiver 34 conducts data communication on the RF network considered as the second subnetworks**), the second operating characteristic being different from the first operating characteristic and the second subnetwork being different from the first subnetwork (**Col. 6, lines 47 - -49 and Col. 8, lines 20 -31, which recites the first subnetwork a standard local area network which is different to second subnetwork which a wireless RF network**);
a communication processor (**Fig. 3, 30**) coupled between the base processing unit and the first and second communication transceivers (**Col. 6, lines 67 – Col. 7, lines 5, which recites CPU 30 is coupled to transceiver 34 and communication adapter 33**

via local bus 32) for converting data received by the first and second communication transceivers to a format for processing by the base processing unit in accordance with the set of communicating software routines and for converting data processed by the base processing unit to a format for transmission by a selected one of the first and second communication transceivers, thereby isolating the base processing unit from differences between the first and second operating characteristics of the first and second communication transceivers **(Col. 8, lines 36 -46, which recites a CPU detects and converts data to and from first subnetwork 11 and RF subnetwork according to a set communication routines as disclosed by the instant application).**

Regarding claims 3, 13, 20 and 27, Tymes discloses the system of claim 1 wherein the first communication transceiver operates in a wired subnetwork and the second communication transceiver operates in a wireless subnetwork **(Fig. 1, Col. 1, lines 47 -51 and Col. 8, lines 36 -46, which recites the first transceiver operates in a wired subnetwork 11 and the second transceiver operates in a wireless network).**

Regarding claims 4 and 35, Tymes discloses the system of claim 3 wherein the wireless subnetwork comprises a backup network in the event of a failure in the wired subnetwork **(Fig. 1, where the RF network between base station 14 and base station 13 is considered as the backup network).**

Regarding claim 5, Tymes discloses the system of claim 4 wherein the communication processor includes test means (**Fig. 4, 40**) for testing the wired subnetwork (**Col. 18, lines 4- 19**).

Regarding claims 6, 14, 21, 28 and 45, Tymes discloses the system of claim 5 wherein the test means includes means for initiating a test communication by the second communication transceiver and means responsive to the absence of receipt of a reply test communication by the first communication transceiver following initiation of a test communication by the second communication transceiver for conducting data communications with the second communication transceiver (**fig. 11, Col. 18, lines 4- 29**).

Regarding claim 7, 15, 22 and 29, Tymes discloses the system of claim 6 wherein the test means further includes means responsive to receipt of a test communication by the second communication transceiver for initiating a test communication by the first communication transceiver (**fig. 11, Col. 18, lines 4- 29**).

Regarding claims 8, 16, 23 and 30, Tymes discloses the system of claim 1 wherein the communication module is housed in a PCMCIA card (**fig. 4, Col. 8, lines 32 - 60**).

Regarding claims 9, 17, 24 and 31, Tymes discloses the system of claim 1 wherein the communication processor further includes means for relaying communication received by one of its first and second communication transceivers for

retransmission by the other of its second and first communications transceivers (**Col. 6, lines 63 – Col. 7, lines 5**)

Regarding claim 10, Tymes discloses In the communication network of claim 1 including a computer and a plurality of mobile of computing device (**Fig. 1,15**) each coupled to the plurality of subnetworks (**11, and RF networks**) and wherein at least one of the communication transceivers of each of the portable data collection terminals operates in a wireless subnetwork, the communication processor of each data collection terminal being responsive to an out-of- range condition for the respective portable data collection terminal to initiate data communications by its said one communication transceiver to another of the plurality of portable data collection terminals, the other of the data collection terminals relaying data communications between the computer and the first-named data collection terminal(**Col. 21, lines 27 - 55**).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Perkin (US Patent 5,159,592).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DADY CHERY whose telephone number is (571)270-1207. The examiner can normally be reached on Monday - Thursday 8 am - 4 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. VU can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dady Chery/
Examiner, Art Unit 2416

/Jason E Mattis/
Primary Examiner, Art Unit 2416